

The Salisbury Planning Board held its regular meeting Tuesday, August 23, 2005, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Dr. Mark Beymer, Len Clark, Bryan Duncan, Lou Manning, Brian Miller, Albert Stout, Bryce Ulrich, Price Wagoner, Charlie Walters, and Diane Young

ABSENT: Sandy Reitz and Valarie Stewart

STAFF: Janet Gapen, Dan Mikkelson, Preston Mitchell, Joe Morris, Diana Moghrabi, David Phillips, and Lynn Raker

Chairman **Brian Miller** called the meeting to order. Bryce Ulrich offered the invocation. The minutes of the August 9, 2005 meeting were approved as published.

ZONING MAP AMENDMENTS

Z-11-05 City of Salisbury
Establish City Zoning upon various parcels and tracts on approximately 198 acres in the Airport Road area.

Legislative Committee A--(Valarie Stewart, Diane Young, Mark Beymer, Bryce Ulrich, and Charlie Walters)

Having conducted a courtesy hearing and discussion on this item at the last Planning Board meeting of August 9, 2005, the board voted to send a portion of this request to committee for further review. At the August 9, meeting, Planning Board voted unanimously (9-0) to recommend approval as proposed except to further review the Grant's Meadow Subdivision area. The committee then voted unanimously to keep the proposed city zoning district of R-15MH for Grant's Meadow subdivision. Staff concurs with the committee recommendation.

The committee tasked staff with determining permitted uses within the County RR district.

Rural Residential, RR. This zoning district is comprised of areas of the county in which moderate levels of single-family housing have occurred or are occurring. In this district, agricultural uses have been replaced to a significant degree with single-family housing. The regulations in this district are intended to provide a landowner with an opportunity to engage in limited business or commercial activities. Multifamily uses are not allowed.

County Zoning District RR

SF dwelling – site built	P
SF dwelling – modular	P
Manufactured Home (type I)	P
Duplex – individual (Site Plan & Min. Lot Size 150% of SF Lot)	SR
Duplex, triplex, quadriplex, or other MF	X
Home Occupation	P

Staff recommends establishment of City zoning districts as proposed in Mr. Mitchell's presentation.

Board Discussion

Albert Stout said that he was in support of the committee's findings and supports its recommendation. Mark Beymer stated that he originally had reservations based on the comments from the public at the last meeting. He was a part of the committee; he supports the recommendation. Charlie Walters agreed with Mark Beymer. The committee had a very informative, in-depth discussion.

Mr. Clark had recommended going to committee to find the differences between the county and city zoning for this property. Mr. Miller clarified that the change from county zoning to city zoning did not restrict the potential uses available, at least those granted by right.

Board Decision

Albert Stout made a motion to accept the recommendation of Legislative Committee A. Price Wagoner seconded the motion with all members voting AYE. (10-0)

Z-12-05**City of Salisbury****Establish City Zoning upon various parcels and tracts on approximately 55 acres in the South Main Street area.**

In general, this case zones an area approximately 55 acres in size in the South Main Street area between Piper Lane and Cedar Springs Road.

Legislative Committee B--(Len Clark, Sandy Reitz, Albert Stout, Price Wagoner, and Bryan Duncan) At the August 9 meeting, Planning Board voted unanimously (9-0) to send this zoning area to committee for further review. The Board had concerns about the proposed split zoning along South Main Street.

The County district (CBI):

(f) Commercial, Business, Industrial, CBI. This zone allows for a wide range of commercial, business and light industrial activities which provide goods and services. This district is typically for more densely developed suburban areas, major transportation corridors, and major crossroads communities; however, this district may also exist or be created in an area other than listed in this subsection if the existing or proposed development is compatible with the surrounding area and the overall public good is served.

There was question about the "fairness" of imposing city B-6 zoning district along South Main Street frontage. Staff argued for lower intensity along immediate frontage due to:

- Gateway Corridor of city
- Not same feeder situation to I-85 as others
- Seeking future Commercial & mixed-use

These properties are in line with the Airport Zoning Overlay and restricted in height. Mr. Mitchell explained the Airport Overlay Zoning restrictions.

Board discussion:

Bryce Ulrich thought this was not as clear-cut a case as the previous one. There is continuity of M-1 zoning around the properties along South Main Street. M-1 zoning may help to establish future growth in that corridor. He supported the findings of the committee.

Price Wagoner also supported the committee's findings. Houses in the corridor were discovered to be used for commercial use rather than residential; that put his mind at ease. He supports Salisbury's Vision 2020 Plan, but this corridor is far enough down Highway 29 to promote growth in this fashion. Bryan Duncan agreed with both Mr. Wagoner and Mr. Ulrich.

Mr. Clark pointed out that any development over 10,000 square feet would go through the group development process.

Mr. Miller felt that split zoning the properties in the South Main Street corridor would have put unwanted restrictions on the properties. He, too, is in support of the committee's recommendation.

Board Decision

Legislative Committee B voted unanimously to not split zone properties along South Main Street and proposed an M-1 zoning district. Staff recommends establishment of City zoning districts as amended by Legislative Committee B. The Legislative Committee B recommendation came to the Planning Board in the form of a motion that was seconded by Lou Manning. All members voted AYE to accept the committee's recommendation. (10-0)

Zoning Code Text Amendment – Boats & Marine Craft

The Zoning Administrator received a request to allow an individual to open a boat storage, sales, and repair/maintenance facility in the city. Due to the detailed nature of the city Zoning Code and the way permitted uses tend to be very specific, there is no language in the code allowing the aforementioned use. Pursuant to legal opinions sent down from the Attorney General's office, as well as to the city's historical methods of code interpretation, omission does not constitute permission.

Staff finds no reason why the addition of sales, service, and storage of boats should not be added as a permitted use within the specified zoning districts of the City of Salisbury Zoning Code.

The proposed amendment will update the City's Zoning Code (Article VIII, *Use Requirements By District*) by adding 'boats and marine craft' to the list of permitted uses by right within several different zoning districts. The addition will permit the sales, storage, and general repair and maintenance of such craft.

ARTICLE VIII. USE REQUIREMENTS BY DISTRICT

- Section 8.37. Highway Business District (B-4).
 - Boats—sales and storage of new or used boats including minor repair and maintenance; however, it is expressly provided that boat construction and/or major hull/bodywork are prohibited unless stated otherwise.
- Section 8.39. Central Business District (B-5).
 - Boat sales, storage, repair/maintenance, or construction
- Section 8.51. Light Industrial District (M-1).
 - Boats – sales and storage of new or used boats including repair and maintenance of all parts; however, it is expressly provided that boat construction or boat building is prohibited in this district.

Because the code is cumulative the language is proposed for the B-4, B-6 and B-7, which is not tied into the rest of the code, and also to M-1.

Mr. Miller opened a discussion about boat construction. This can be decided on as a separate issue in the future.

Mr. Stout asked for clarification on the meaning of minor boat repair. Current code does not define minor auto repair, either.

Bryce Ulrich pointed out the differences in the language in the B-4 edition versus the M-1 edition. It was decided to leave the definition of body repair up to the Zoning Administrator to determine; the making of a new product is prohibited.

Planning Board Recommendation

Lou Manning made a motion to accept the text amendment as presented by staff. Mark Beymer seconded the motion with all members voting AYE.

The Planning Board voted unanimously (10-0) to recommend approval of the proposed text amendment.

Zoning Code Text Amendment: Permanent Banners in B-5 (Downtown) District

Diane Young asked to be excused from the Board for this discussion due to a conflict of interest.

At the March 15, 2005, City Council meeting, two requests were brought forward to amend the Signage regulations of the City Zoning Code. These requests focused on two downtown properties and two different projects. The first request was one that would allow for signage to be placed atop, or projecting above, parapet walls of downtown buildings. The second request was one that would allow for placement of vertical permanent banners on downtown buildings.

The City Council created an ad hoc legislative committee consisting of one Councilmember, two Planning Board members, two Community Appearance Commission members, and two Historic Preservation Board members. The committee met for the first time on May 25, 2005. At this meeting, presentations were made by both amendment initiators. Following discussion and feedback from the petitioners, the committee tasked staff to draft regulatory language addressing both requests.

The committee reconvened on July 7, 2005, to receive a staff report and discuss further action. Following a review of draft amendment language and further discussion on the merits, equitability, and long-term effects of such amendments, it was decided by the committee that only one of the requested amendments to the sign ordinance be considered. The request to allow for the placement of vertical banners is recommended for consideration by the City Council. The proposed regulatory language is provided in a strikethrough and underlined document. In addition, the committee recommended increasing the allowable size of projecting/hanging signs to encourage creative signage by the downtown merchants for pedestrians.

The proposed amendment will amend the City's Zoning Code (Article IX, *Signs*) by adding the ability to erect vertically mounted, permanent banners on the street façade of downtown buildings.

ARTICLE IX. SIGNS

Section 9.02. Definitions.

The following definitions shall apply to the regulation and control of signs within this article:

(#) Permanent Banner: A double-sided sign constructed of exterior-grade canvas or similar grade material that is erected vertically upon the face of a building and is held taut by top and bottom brackets that are mounted perpendicular to the fronting right-of-way.

Section 9.04. Signs prohibited.

(4) Signs which are placed on any curb, sidewalk, pole, post, tree, rock, fence, hydrant, bridge, another sign, or other surface located on, over, or across any public street, right-of-way, property, or thoroughfare; provided, that name of occupant and/or street address on mailbox or lamppost are permitted, as are signs on canopies, in the B-5 central business district as provided for in section 9.05(3) **and, as are** downtown pole displays as described in section 9.05(3), note (6), **and as are permanent banners as described in section 9.05(3)(k).**

Section 9.05. Signs permitted by district.

Unless permitted by right as authorized in section 9.03 (Signs permitted by right) or under special provisions as authorized section 9.06 (Special sign provisions), the following signs are permitted only in the zoning districts so indicated on sign tables below.

(3) *B-5 (central business) zoning district:*

Projecting (j) **6 sq. ft 12 sq. ft.**

Permanent Banner (c) **30 sq. ft.**

(c) One canopy **or permanent banner** sign shall be permitted for each twenty-five (25) feet of street frontage, provided that where there is one (1) parcel in single ownership with fifty (50) or more feet of street frontage, the distance between the two (2) canopy **or permanent banner** signs is at least eight (8) feet and the distance between the canopy sign and the property line is at least four (4) feet. The type canopy sign applicable in this footnote is parallel to the street, **and the type permanent banner sign applicable in this footnote is perpendicular to the street.**

(k) A permanent banner shall be allowed provided that:

--It shall be located on the second and third story facades only.

--It shall not project above the building parapet wall.

--It shall not exceed the vertical dimension of any second or third story window opening.

--It shall not exceed three (3') feet in width.

--It shall be constructed from exterior-grade canvas or similar material.

--It shall be affixed at the top and bottom and held taut by decorative brackets.

--It shall be mounted vertically only. Horizontal mountings are prohibited.

--All mounting and support materials shall be inserted into mortar joints and not into the face of any existing masonry.

--It shall only receive light from adjacent light sources, such as existing street lights.

No permanent banner may be lighted from any direct light source.

--It shall contain a business name and logo only. Any other copy or advertising is prohibited.

--Should any business cease to operate or relocate, any installed permanent banner shall be removed from the building façade within 30 days of vacation of the site.

Notes:

- (1) Maximum height of any individual letter, number, character, logo, etc. shall be limited to 2 ½ feet for wall, ~~or~~ canopy, **or permanent banner** signs, except that for buildings greater than three stories in height, an additional six inches in height shall be allowed for wall signs for each story above the third story.
- (2) ~~No sign shall be used to obstruct the view of upper story windows or any architectural embellishments.~~

Section 9.08. Sign measurements.

(c) For permanent banner signs: the area of signage shall be deemed to be the area of the canvas material exclusive of the top and bottom mounting brackets.

Changing the sign code is a major undertaking; the committee was not unanimous in all of their decisions. It is part of the recommendation to promote projecting signs and to increase their recommended size.

Planning Board recommendation

Bryce Ulrich made a motion to accept the information as presented by staff. Albert Stout seconded the motion with all members voting AYE.

The Planning Board voted unanimously (10-0) to recommend approval of the proposed text amendment.

It was agreed to bring Diane Young back to the Board.

COMMITTEE SCHEDULING

Committee 1—Janet Gapen reported that the North Main Small Area Study had a second neighborhood meeting. The residents were assigned to take pictures of what they like about their neighborhood and what they consider challenges in their neighborhood. These pictures were reviewed at the meeting on August 18, at the Henderson Independent High School cafeteria (1215 North Main Street) from 6-8 p.m. The City provided an ice-cream social at the end of the meeting.

The priorities, based on the first meeting, were listed in two categories.

Neighborhood opportunities:

1. Interested in preserving the historic characteristics and architectural features of the neighborhood.
2. Strong commitment to the racial and socio-economic diversity of the neighborhood.
3. The neighborhood has attractive open and green space.

The challenges included:

1. The high percentage of rental property and absentee landlords.
2. Vacant and rundown homes in the area.
3. Sidewalks are broken—improve the pedestrian qualities of the neighborhood.
4. More neighborhood scale commercial services.
5. Appearance issues such as overgrown lots, parking on front lawns, and un-kept houses.

Three committees were formed to take a more in-depth look at these issues during September. The most encouraging part of the process is the fact that this is a collaborative effort.

OTHER BOARD BUSINESS

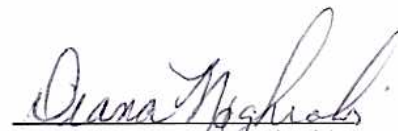
Board Members

Regretfully, Len Clark submitted his letter of resignation today. He has been a fine Planning Board member.

Staff

The Land Development Ordinance Committee Staff Subcommittee has three or four chapters remaining before presenting it to the full committee.

There being no further business to come before the Board, the meeting was adjourned.


Brian Miller, Chairman
Lou Manning, Vice Chairman
Secretary, Diana Moghrabi

